

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL ROSS FARLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-21-1007-SLP
	)	
MIKE JONES, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is the Report and Recommendation of United States Magistrate Judge Amanda Maxfield Green [Doc. No. 9]. Judge Green recommends that Plaintiff's Application for Leave to Proceed in Forma Pauperis [Doc. No. 5] be denied and that he be required to pay the \$402.00 filing fee because he has sufficient funds in his institutional account. Plaintiff Michael Ross Farley filed an Objection to the Report and Recommendation [Doc. No. 10].<sup>1</sup> The Court reviews de novo any portion of the Report and Recommendation to which Plaintiff has made specific objection. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In his Objection, Plaintiff does not take issue with the recommendation that he be required to pay. Rather, Plaintiff objects that he has \$450.00 in his inmate savings account that he cannot access until he is discharged. It appears Plaintiff is referencing funds in his mandatory savings account. Oklahoma law, however, allows inmates to withdraw funds

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<sup>1</sup> The deadline to file an objection was November 18, 2021. Although Plaintiff's Objection was electronically filed November 19, 2021, the Court considers the Objection timely because it is postmarked November 17, 2021. *See* Doc. No. 10-1.

from this account to pay fees under 28 U.S.C. § 1911, *et seq.* See Okla. Stat. tit. 57, § 549(A)(5). Additionally, the relevant policy states that funds from an inmate's mandatory savings account "may be used to pay fees and/or court costs associated with filing a civil or criminal action." Okla. Dep't of Corr., Offender Banking System, OP-120230(I)(A)(2) (eff. Nov. 5, 2021), <https://oklahoma.gov/content/dam/ok/en/doc/documents/policy/section-12/op120230.pdf>.

The policy further instructs that funds from this account may be used to pay fees

either by submitting an in forma pauperis' [*sic*] action as defined by federal and state statute or by receiving written documentation from the court clerk showing the amount required to file the case. If written documentation from a court clerk is provided, a staff member will call the court clerk's office to verify fees. The staff member will sign and print their name and the date on the court clerk's documentation. Court clerk documentation may be in the form of a letter or any other official form that can be verified by staff.

*Id.*

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 9] is ADOPTED and Plaintiff's Application for Leave to Proceed in Forma Pauperis [Doc. No. 5] is DENIED.

IT IS FURTHER ORDERED that the Court Clerk is DIRECTED to provide Plaintiff with three copies of this Order and three copies of the Report and Recommendation [Doc. No. 9]. Plaintiff may distribute these documents to the custodian of his institutional account(s). Plaintiff shall pay the \$402.00 filing fee not later than February 9, 2022. Plaintiff is advised that if he fails to timely pay the filing fee, this action shall be dismissed without prejudice.

IT IS SO ORDERED this 19<sup>th</sup> day of January, 2022.



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**SCOTT L. PALK**  
**UNITED STATES DISTRICT JUDGE**